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OLC 74-2258

21 October 1974

MEMORANDUM FOR: General Counsel

SUBJECT : Freedom of Information Legislation

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1. [] has learned from Bob Bedell, OMB, in connection with the Freedom of Information Act legislation (H. R. 12471) that the President will propose a compromise near to, if not identical with, the Hruska/Kennedy compromise with a presumption running in favor of appropriate governmental affidavits.
 2. Apparently the language is still being worked on, but OMB will include us in their coordination process.
 3. As you may recall, on 30 May 1974 on the first time around, there were twenty-~~five~~ ^{three} Senators who voted against the Muskie amendment upsetting the Hruska/McClellan/Kennedy compromise on the presumption provision. The Administration should be able to pick up at least five votes out of the fifteen Senators who did not vote on the Muskie amendment, and if they succeed in linking this issue with the access to FBI files issue, they should be able to pick up at least a half dozen more Senators. All of this means that there should be enough sponginess in the Senate to get some movement on a reasonable compromise.
 4. As all of this develops, I presume that you will be in touch with OMB General Counsel and as soon as we have language and our position firmly sorted out, I think it would be wise for me to tie back in to Tom Korologos of the White House staff.

/s/
[]
Acting Legislative Counsel

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